



City of Carmel

Carmel Board of Zoning Appeals Hearing Officer Monday, March 27, 2005

The meeting was held at 5:15 PM in the Caucus Rooms of City Hall, Carmel, Indiana on Monday, March 27, 2006. The Hearing Officer was Leo Dierckman.

Department of Community Services Staff in attendance was Angie Conn and Mike Hollibaugh. John Molitor, Legal Counsel, was also present.

D. Public Hearing:

1d. Eden Estates, Sec 2, lot 59 pt - Russell Property

The applicant seeks the following development standards variance:

Docket No. 06010012 V ZO Chapter 7.04.03.B side yard setback

The site is located at 3508 E Carmel Drive and is zoned R-1/Residence.

Filed by C. Joseph & Elizabeth G. Russell.

Present for the Petitioner: Joseph Russell, 3508 E. Carmel Drive. He distributed copies of Findings of Fact and the site plan for the project. The plan showed the relationship of the development to the setback lines. The attached one-car garage will be constructed to match the building. Only two corners of the proposed structure will intrude into the 10-foot setback by five feet.

No members of the public were present to speak in favor or opposition to the petition.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The variance is for 5 feet into the setback. There is some hardship on the property because of the 30-foot drainage easement that runs across the northern portion of the site, making it hard to locate the accessory structure. The Department recommended positive consideration of the docket.

Mr. Dierckman **APPROVED Docket No. 06010012 V, Eden Estates, Sec 2, lot 59 pt – Russell Property.**

2d. Evan Lurie Building - Parcel 21

The applicant seeks approval for the following development standards variance:

Docket No. 06030012 V ZO Chapters 12.04.01 & 23D.03.B.2.b building height

The site is located at 30 W Main Street and is zoned B-1/Business within the Old Town Overlay.

Filed by Kevin Sellers of CSO Schenkel Shultz for the Carmel Redevelopment Commission.

Present for the Petitioner: Mike Hollibaugh, Department of Community Services, and Les Olds, Carmel Redevelopment Commission. The variance is for building height in the B-1 and maximum number of stories in the Main Street Old Town Overlay Zone. The building will be four-story masonry four-sided brick building. The proposed uses are ground floor and second floor art gallery spaces and third and fourth floors are residential with 4 condominium units. There is proposed enclosed parking for the residents as shown on the elevation. There is a private entrance for the residents on the east side of the building. There is a walkway to allow connectivity along the east side of the building and also an emergency walkway on the west side. The building has been through the Redevelopment Commission and passed their architectural review.

Members of the Public who spoke:

Janice Ramsey, 909 Oswego Road, Carmel Barber Shop. Her main concern was parking, especially for their customers.

Mr. Olds stated they were in the process of reconfiguring the City-owned parking behind the Communication Center to increase it from 18 to 36 spaces. They are also looking to reconfigure other parking behind the buildings. There is also parking along the west side of the Antique Mall. The Redevelopment Commission is planning to buy the First Indiana Bank parcel and remove the building and have a 2-hour public parking lot. There is a concentrated effort to create additional parking. A diagram of the walkway between the buildings to the reconfigured parking area was shown.

Mr. Hollibaugh pointed out that there will be 119 underground parking spaces and a number of surface spaces as part of the new Pedcor Design Center Building which is one block south. There will be additional parking behind the new Old Town Shops.

Natalie Geese, Miran's Café, stated that she is pleased with the new gallery. She has noticed the two and three hour parking has not been enforced and cars are parked longer in some of the slots.

Mr. Olds stated they were looking at enforcement. Arts District parking spaces will probably be marked for two-hour parking, 8:00 AM to 6:00 PM, allowing longer time for evening dining. They plead with the merchants to have their employees park away from the business, even at the Lion's Club.

Curtis Butcher stated it is hard to park away in the winter if there are items to carry to work.

Bruce Calabrese, Old Town Tavern, stated that the parking lot behind the First Indiana Bank drains east to west and floods behind the other buildings. He asked if there were provisions for storm sewers.

Mr. Olds stated they are looking at correcting the area. The water lines that serve the buildings are old and will be replaced from the streets and the area changed to drain properly.

Mary Ann Butcher asked about the utility poles in the bank parking lot.

Mr. Olds stated they are working with Cinergy to look at the whole area and the anticipated growth and needs. They will possibly run the lines underground.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The variance being sought is for the building height, which will be approximately 53 feet, 8 feet over the allowed height. The Department recommended positive consideration of the docket, since the parking issues will be resolved.

Mr. Dierckman stated he had the opportunity to review this building in the Plan Commission process and **APPROVED Docket No. 06030012 V, Evan Lurie Building – Parcel 21.**

3d. Fidelity Keystone Office Park - Strategic Health Plans

The applicant seeks approval for the following development standards variance:

Docket No. 06020023 V ZO Chapter 25.07.02-10.b sign type

The site is located at 650 E Carmel Dr. and is zoned B-8/Business.

Filed by Tim Ochs of Ice Miller.

Present for the Petitioner: Tim Ochs, Ice Miller. This is a multi-tenant four-story office building with approximately 36,000 square feet. Strategic Health Plans is a large tenant that needs a wall sign. Permitted signage would be one wall sign and one ground sign or one ground sign and one roof sign. That is not adequate and it would be difficult to comply. The sign will provide visibility for customers trying to locate the building from Keystone Avenue. A ground sign would not be visible. The sign will be less than 75 square feet. The design and colors will be similar to the smaller bank sign that is on the building.

No members of the public were present to speak in favor or opposition to the petition.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. According to the Sign Ordinance, two signs can face east on this building, it is just a matter of the type of sign. The Department recommended favorable consideration.

Mr. Dierckman asked if the sign would be internally lit.

Mr. Ochs stated the individual letters would be reverse channel letters.

Mr. Dierckman **APPROVED Docket No. 06020023 V, Fidelity Keystone Office Park – Strategic Health Plans.**

4-5d. TABLED ~~Townes at Weston Pointe~~ temporary sign

~~The applicant seeks approval for the following development standards variances:~~

~~**Docket No. 06010030 V ZO Chapter 25.01.01-04(L) off-premise sign**~~

~~**Docket No. 06010031 V ZO Chapter 25.07.03-01 illuminated temporary sign**~~

~~The site is located at 11055 N Michigan Rd. and is zoned B-2/Business within the US 421 Overlay. Filed by Emily James of Portrait Homes.~~

6d. The Great Frame Up (Warren & Phelps, lot 21pt & 22pt)

The applicant seeks approval for the following development standards variance:

Docket No. 06030002 V ZO Chapter 12.04.05.2 rear yard setback

The site is located at 21 First Street SW and is zoned B-1/Business.

Filed by Mark Fraley.

Present for the Petitioner: Mark Fraley, 16756 Burket Drive, Westfield. He would like to change the rear yard setback from 15 feet to 11.5 feet. The building was designed with the thought that the alley behind the building was going to be abandoned.

No members of the public were present to speak in favor or opposition to the petition.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. This is a reduction of about 3.5 feet. The alley does serve as a buffer to properties south of the site. The Carmel Redevelopment Commission is going to apply to the Board of Public Works to vacate the alley. The Department recommended positive consideration.

Mr. Dierckman **APPROVED Docket No. 06030002 V, The Great Frame-Up.**

7d. Covenant Commercial Buildings

The applicant seeks approval for the following development standards variance:

Docket No. 06020024 V ZO Chapter 25.07.01-04.i signs in road right of way

The site is located at 611 & 621 N Range Line Rd. and is zoned B-5/Business within the Old Town Overlay – Character Sub area.

Filed by Larry Kemper of Nelson & Frankenberger for Yvonne & Ben Li.

Present for the Petitioner: Larry Kemper, Nelson & Frankenberger, and Yvonne and Ben Li. The variance would permit two suspended signs within the proposed right-of-way for Range Line Road. The two homes on the sites have been converted to business use and received their DP/ADLS approval from the Plan Commission. The approved site plan was shown. The two suspended signs would be in the proposed 45-foot right-of-way per Carmel's Thoroughfare Plan, but outside the existing 30-foot right-of-way. A rendering of the proposed sign which was approved by the Plan Commission was shown. The suspended sign met the requirements of the Old Town District. The signs need to be placed within the right-of-way to be visible; otherwise they will be obscured and less effective.

Members of the Public who spoke:

Nick Kestner, 2123 W. 106th Street. The sign doesn't bother him, but the landscaping plan has not been completed according to the DP/ADLS. A blue spruce was removed from the City right-of-way without permission. With all that has been removed and no landscaping, they could put a sign anywhere and it could be seen.

The Public Hearing was closed.

Rebuttal:

Mr. Kemper stated that the Department Report referenced some trees that were removed.

Mrs. Li stated that the previous owner filed the petition to remodel the property and had removed the trees. They had requested permission to remove the trees, but through miscommunication, the previously scheduled removal happened before their request had been denied. The rest of the landscaping plan will be completed when the weather improves. It is part of their agreement with the previous owners.

Mr. Kestner stated that trees have already been removed that are shown as part of the approved landscape plan.

Mr. Kemper stated that they would work with Scott Brewer, the Urban Forester, to replace the spruce tree and finalize the landscaping that was approved in the ADLS.

They also discussed the \$20,000 in escrow being posted as a bond to the City for the landscaping.

Mr. Dierckman **APPROVED Docket No. 06020024 V, Covenant Commercial Buildings, contingent** upon the landscaping plan being completed to the satisfaction of the Urban Forester, before the signs are erected.

E. Old Business

There was no Old Business.

F. New Business

There was no New Business.

G. Adjourn

The meeting was adjourned at 5:50 PM.

Leo Dierckman, Hearing Officer

Connie Tingley, Secretary